

### **REMARKS/ARGUMENTS**

Reexamination and reconsideration of this Application, withdrawal of the rejections, and formal notification of the allowability of all claims as now presented are earnestly solicited in light of the remarks that follow.

Claim 1 has been amended to more clearly recite the optional component of the composition. Claims 31-70 have been canceled without prejudice or disclaimer. Claims 1-30 are pending.

#### **Examiner Interview**

Applicants appreciate the Examiner's participation in the telephone conference of December 26, 2006, with Applicants' representative. In said telephone conference, the obviousness-type double patenting rejections of the presently pending office action were discussed. Applicant's representative pointed out that the claims of the patent and pending patent application cited in the rejection are directed to diene compounds, which are distinctly different from the presently claimed lower carboxylic acid moiety. The Examiner agreed this was apparently the case and agreed to reconsider the rejections upon Applicants' submission of a response to the office action.

#### **Rejections Under 35 U.S.C. §112**

Claims 1-30 stand rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. Applicants respectfully traverse the rejection.

The Examiner argues claim 1 is indefinite in that it is unclear whether the moisture retentive material is optional or required. Claims 2-28 are rejected as being dependant upon rejected claim 1. Although Applicants do not agree with this rejection, Applicants have amended claim 1 to clarify that the moisture retentive barrier forming material is optionally included in the composition. Applicants submit such amendment obviates the rejection of dependant claims 2-28. Accordingly, Applicants respectfully request reconsideration and withdrawal of these rejections.

The Examiner argues claim 29 is indefinite for use of the word "continuously" in relation to immersion of the metal of metal device in the solution. Claim 30 is rejected as

being dependant upon rejected claim 29. Applicants respectfully disagree. Applicants respectfully direct the Examiner's attention to page 5 (lines 8-12) of the specification, which discloses that the compositions of the invention can inhibit the corrosion of metals for indefinite periods of time in a variety of venues, e.g., while the metals remain immersed in an ACA solution. Thus, it is clear that "continuously immersing" the metal or metal device relates to specific embodiments of the invention for preventing oxidative corrosion of metals wherein the metal or metal device remains immersed. Accordingly, Applicants respectfully submit the skilled person would clearly understand the metes and bounds of the claim, particularly in light of the noted disclosure in the specification. Applicants likewise submit dependant claim 30 is also definite. Accordingly, Applicants respectfully request reconsideration and withdrawal of these rejections.

#### Double Patenting Rejection

Claims 1-30 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3-11 of U.S. Patent No. 6,833,087. Claims 1-30 also stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of co-pending Application No. 11/015,090. Applicants respectfully traverse these rejections.

Independent claims 1 and 29 recite methods for preventing oxidative corrosion of a metal comprising the use of compositions comprising a lower alkyl carboxylic acid moiety. Claims 3-11 of the '087 patent are directed to methods using compositions characterized by an agent comprising a 2,4-trans,trans-hexadiene moiety. Likewise, claims 1-19 of the '090 application are directed to methods using compositions characterized by an agent comprising a 2,4-trans,trans-hexadiene moiety.

A carboxylic acid moiety is generally understood to be characterized by the functional group COOH. A diene moiety is generally understood to be two carbon-carbon double bonds. The presence of a diene moiety in no way suggests a carboxylic acid moiety. Thus, Applicants respectfully submit the presently rejected claims and the cited claims of the '087 patent and the '090 application are not merely obvious variants. Accordingly, Applicants respectfully request reconsideration and withdrawal of the present rejections.

It is believed that all pending claims are now in condition for immediate allowance. It is requested that the Examiner telephone the undersigned should the Examiner have any comments or suggestions in order to expedite examination of this case.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR §1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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